



11/3/05

MESSAGES FROM THE HOUSE

SB 193 (George)

SB 193 would restructure the judicial districts in the Kalamazoo area by consolidating all 7 judges into one district. There would be no changes to number of judgeships.

- The Senate concurred with the House changes to SB 193 [RC 545: 38 yes, 0 no].

TELECOMMUNICATIONS ACT

HB 5237 (Nofs)

HB 5237 would that all providers of local phone service in Michigan offer "primary basic local exchange service." This would be a rate-regulated "safety-net" service of one primary access line to residential customers with at least 100 outgoing calls/12,000 minutes per month. Providers would be able to set their own rates for all other services, essentially economically deregulating most residential local telecommunication services and all business services. All services – regulated or otherwise – would still be subject to service quality and consumer protection standards. Wholesale protections agreed to by incumbent and competitive providers are also included in the bill, as well as restrictions on local governments providing telecommunications services.

Support: SBC, Verizon, TAM, MAC, MTA, Michigan Chamber of Commerce.

Oppose: AARP, Michigan Consumer Federation, SBAM, small competitive carriers.

- Brown 1 (1 amend) was adopted.
- Hardiman 2 (1 amend) was defeated. This would have allowed local communities in Hardiman's district to qualify for the exemption deadline for the purposes of providing wireless internet by their local governments.
- HB 5237 was moved to 3rd Reading.
- SCHAUER 1 (3 amends) was defeated [no RC]. This would have extended the 11/1 exemption deadline to 11/30, thus, allowing more local communities to qualify to provide wireless internet.
- HB 5237 passed with IE [RC 546: 38 yes, 0 no].

FINAL PASSAGE

SB 88 (Hardiman)

SB 88 would lower the "floor" for the scope of services that must be provided by HMO contracts. Specifically, the bill would change state insurance law to: 1) Delete a requirement that copayments for basic health services provided under a health maintenance organization (HMO) contract be nominal. 2) Require the Commissioner of the Office of Financial and Insurance Services to make an annual determination as to whether the greater copayment and coinsurance levels allowed by the bill had increased the number of employers who had contracted for HMO services and the number of HMO enrollees. 3) Require the Commissioner to hold a public hearing and issue an annual report delineating specific examples of copayment and coinsurance levels in force, and suggestions to increase the number of HMO enrollees; and require the Commissioner to issue a supplemental report if the results were disputed or circumstances had changed. 4) Require an HMO that participated in a State or Federal health program, excluding a State or Federal employee health program, to meet the Code's solvency and financial requirements, unless it were in receivership or under supervision.

Support: MI Assn. of Health Plans, MAHP, HAP, Physicians Health Plan, Alliance Health, Priority Health, Health Plus, America's Health Insurance Plans, National Federation of Independent Businesses, MI Nurses Assn., Small Business Association of Michigan.

- *Committee 1 (S-2) was adopted.*
- *SB 88 was moved to 3rd Reading.*
- **SB 88 passed [RC 552: 38 yes, 0 no].**

SB 120 (Johnson)

SB 263 (Hammerstrom)

SB 120 would provide that, when a defendant was accused of an offense involving domestic violence, evidence of other acts of domestic violence would not be made inadmissible. Evidence of an act occurring more than 10 years before the charged offense would be inadmissible, however, unless the court determined that admitting the evidence was in the interest of justice. If the prosecuting attorney intended to offer evidence under the bill, he or she would have to disclose the evidence to the defendant at least 15 days before the trial, or later as allowed by the court for good cause shown.

- *Committee 1 (S-2) was not adopted.*
- *Johnson 2 (S-4) was adopted.*
- *SB 120 was moved to 3rd Reading.*
- **SB 120 passed [RC 556: 38 yes, 0 no].**

SB 263 would specify that evidence would not be inadmissible as hearsay in a domestic violence case if all of the following applied: the statement purported to narrate, describe, or explain the infliction or threat of physical injury upon the person making the statement; the action in which the evidence was offered was an offense involving domestic violence; the statement was made at or near the time of the infliction or threat of physical injury; the statement was made under circumstances that would indicate its trustworthiness; and the statement was made to a law enforcement official. Evidence of a statement made more than five years before the filing of the action or proceeding would be inadmissible. If the prosecuting attorney intended to offer evidence under the bill, he or she would have to disclose the evidence to the defendant at least 15 days before the trial, or later, as allowed by the court for good cause shown.

- *Committee 1 (S-4) was not adopted.*
- *Committee 2 (S-6) was adopted.*
- *SB 263 was moved to 3rd Reading.*
- **SB 263 passed [RC 550: 38 yes, 0 no].**

SB 712 (Brown)

SB 712 would allow recreational card playing at nonresidential senior centers. Currently, Chapter 44 of the Code, which regulates gambling, does not apply to card playing at senior citizen housing facilities. The bill would extend that exemption to senior centers that are not housing facilities. The current exemption allows recreational card playing at any senior citizen housing facility that has at least 15 members who are 60 years of age or older and play cards solely for amusement or recreation. The card playing may not be used for fund-raising, and the number of guests playing cards may not exceed the number of participating members.

- *Brown 1 (S-1) was adopted.*
- *SB 712 was moved to 3rd Reading.*
- **SB 712 passed [RC 547: 38 yes, 0 no].**

SB 778 (Birkholz)

SB 778 would eliminate the December 31, 2005, sunset on a requirement that the Department of Environmental Quality, in conjunction with the Department of Natural Resources, prepare a biennial environmental indicator report.

Over time, if they are continued, the biennial reports will constitute a valuable tool in managing the health of the environment in Michigan. They will provide a method to measure the success of the State's environmental programs and assess how limited resources can be used most effectively. As the more recent environmental indicator report pointed out, "... care should be taken not to understate or overstate the importance of a change that may be observed in any given environmental indicator from one two-year reporting period to the next. Two years is an extremely short time frame for a natural or human-influenced disturbance or corrective action to be realized within most ecosystems." Thus, for the reports to be truly useful in adjusting resource management strategies and developing stewardship policies, the sunset should be eliminated.

- *SB 778 was moved to 3rd Reading. No amendments.*
- **SB 778 passed [RC 548: 38 yes, 0 no].**

SB 788 (Jelinek)

SB 788 would require a higher standard for the marking and lighting of farm equipment on highways than is currently required, making Michigan's highways safer for everyone. The standards would improve the recognition of slow-moving equipment, giving drivers time to slow down and take appropriate precautions. The standards would improve recognition both at night and during the day, with reflective markings and lights to improve night visibility, and fluorescent markings for daytime recognition. The standards also would improve the recognition of equipment over 12 feet wide by requiring lights and markings identifying the left and right extremities of the equipment. Uniform lighting and marking patterns would help other drivers readily to identify farm equipment on the highway.

- *Jelinek 1 (S-2) was adopted.*
- *SB 788 was moved to 3rd Reading.*
- **SB 788 passed [RC 555: 38 yes, 0 no].**

SB 794 (George)

SB 794 would create a Newborn Screening Committee and require the Committee to make recommendations regarding additions to and deletions from the list of required newborn screening tests. The bill also would require reporting on the results of hearing tests performed on infants and children younger than three.

- *Committee 1 (S-1) was not adopted.*
- *Committee 2 (S-2) was adopted.*
- *SB 794 was moved to 3rd Reading.*
- **SB 794 passed [RC 551: 38 yes, 0 no].**

HB 4369 (Amos)

HB 4369 would apply to the Summit Place Mall in Waterford Township in Oakland County. The owners of the Mall are proposing a major redevelopment that will change an older commercial shopping center into a mixed residential and retail complex. The bill would allow rehabilitated commercial property (the Mall) to receive a reduction in property taxes for one to ten years, with the length determined by the local unit of government.

- *HB 4369 was moved to 3rd Reading. No amendments.*
- **HB 4369 passed with IE [RC 554: 38 yes, 0 no].**

HB 4403 (Walker)

HB 4403 would allow a physician to delegate tasks involving the use of surgical instrumentation to an individual who is a certified surgical technologist or certified surgical first assistant when that physician was present during the procedure and provided direct supervision.

- *HB 4403 was moved to 3rd Reading. No amendments.*
- **HB 4403 passed with IE [RC 553: 38 yes, 0 no].**

HB 4860 (Elsenheimer)

HB 4860 would add that a municipality would not be responsible for an unauthorized discharge from a sewerage system that is permitted and owned by a party other than the municipality, unless the municipality has accepted responsibility in writing for the sewerage system.

- *Committee 1 (S-2) was adopted.*
- *HB 4860 was moved to 3rd Reading.*
- **HB 4860 passed with IE [RC 549: 38 yes, 0 no].**

THIRD READING

SB 714 (Birkholz)

HB 5100 (Jones)

SB 714 would address cases when a parent is a Reserve unit member or National Guard unit member separated from a child because he or she has been called into active military duty. Specifically, this bill would define “Active Military Duty” to include when a reserve unit member or national guard unit member is called into active military duty. This bill is necessary to help prevent a court from permanently amending a custody order when one of the parents involved is a military reservist called to active duty. Dads and Moms of Michigan support this bill.

- Committee 1 (S-1) was adopted.
- SB 714 was moved to 3rd Reading.

HB 5100 would modify current child custody law to state: 1) a court could not consider a parent's separation from his or her child due to military service when making a "best interest of the child" determination; and 2) an established custodial environment with that parent could not be destroyed during that military service. The sponsor of the bill has said, "[t]his bill is about protecting our servicemen and women while they are protecting our freedoms." The aim is to prevent a parent's separation from a child that results from active military duty from being considered in a child custody dispute when a court is making a best-interest-of-the-child determination. It also would not allow an established custodial environment to be destroyed while the man or woman was away on active duty. Note that the bill applies to members of the National Guard and Reserves called to active duty; that is, to military personnel who have no choice over their deployment.

- Committee 1 (S-2) was adopted.
- HB 5100 was moved to 3rd Reading.

HB 4335 (Newell)

HB 4335 would specify that a commissioned-certified law enforcement officer who is a member of any reserve component of the United States Armed Forces and who is called to active duty would not be considered to have discontinued his or her employment as a commission-certified law enforcement officer. In addition, the officer's certification could not become void during the term of active military service.

- HB 4335 was moved to 3rd Reading. No amendments.

HB 4978 (Hildenbrand)

HB 4978 brings Michigan into compliance with federal laws that govern the purchase and transport of concealed pistols. The legislation is necessary in order to ensure homeland security during an era when terrorists threaten the safety of our citizens.

- HB 4978 was moved to 3rd Reading. No amendments.

HB 5052 (Hoogendyk)

HB 5052 would make it a felony to possess, acquire, transport, or offer for sale counterfeit cigarette paper, gray market cigarettes, or gray market cigarette paper.

- Committee 1 (S-1) was defeated.
- Committee 2 (S-2) was adopted.
- HB 5052 was moved to 3rd Reading.